

From: [Lauren Schlau](#)
To: ["Kerry Morrison"](#); ["John Caner"](#); ["Kraig Kojian"](#); ["Michael Ault"](#); ["Scott Knies"](#); ["John Lambeth"](#); ["Karin Flood"](#); ["Carol Schatz"](#); ["Steve Be Cotte"](#); ["Matthew Severson"](#); [Rena Leddy](#); ["Steve Mulheim"](#); ["Maggie Campbell"](#); blair@hdlabid.com; ["Jessica Lall"](#)
Cc: [Kent Smith](#); [Bahija Hamraz](#)
Subject: RE: SB 608 (Liu) - Right to Rest Act **prep for tomorrow's conf call at 10:30 a.m.**
Date: Wednesday, March 25, 2015 10:52:01 AM

Mark Ryavec's Article in LA Times, March 6

Advocates for the homeless want the state Legislature to pass the so-called Right to Rest Act (SB 608). Introduced Feb. 27, this legislation would prevent Los Angeles and other cities from enforcing laws against camping on sidewalks, in parks and in vehicles parked on public streets.

However well-intentioned, SB 608 ignores how whole neighborhoods of Los Angeles are already beset with crime because of the inability of the police to cope with mentally ill, drug-addled and criminal transients. Though these people are a minority of the homeless population, they are greatly degrading public safety and quality of life in these neighborhoods.



The problem is especially intense in Venice, where I live. Here, transients congregate in large encampments to enjoy the beach, the seemingly endless supply of drugs, and a permissive atmosphere resulting from the city's indifference and the courts' relaxation of laws against vagrancy and related crimes. On a daily basis, residents and visitors are subjected to public inebriation, trespass, burglary, vandalism, harassment and loud noise — plus public defecation and urination. In April, one such beach dweller dived through a glass door of a duplex at 4:30 a.m., made his way to the upstairs bathroom and tore two bolted sinks off the wall, spattering the room with blood. The tenants — a young woman and her children — escaped down a back staircase and called 911. Police later told the woman that the intruder's Hulk-like strength suggested he was high on PCP. Before the break-in, neighbors had called the LAPD to complain about a man shouting hysterically on their street, but since he'd done nothing more than that, the police did not even send a patrol car to investigate. Had they done so, this terrifying incident might have been averted.



In another widely publicized home invasion in September, a deranged man broke down the door of a home just before 9 a.m. and chased a half-dressed woman out of her bedroom window and onto her roof. Again, police missed a chance to prevent this. Just 30 minutes earlier, the intruder was in police handcuffs being questioned about yelling in public and trying to climb the fence of an adjoining property. Yet the police, having been effectively neutered by homeless advocates and the courts, let him go because they had not caught him in the act of committing a crime.

These incidents and others like them are the result of the courts and the Legislature gradually shredding the fabric of laws that have long protected residents in a misguided attempt to grant more

civil liberties to the homeless.

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How did things get so out of control? It started in 2007, when the city, in response to litigation, entered into the Jones settlement and promised not to enforce its ordinance forbidding “lying, sitting or sleeping” on sidewalks between 9 p.m. and 6 a.m. Although the lawsuit originated in skid row, the city failed to limit the settlement to that area and now applies it citywide.

Then, in 2012, the 9th U.S. Circuit Court of Appeals issued the Lavan decision, which forbids the city from removing possessions left on the streets or sidewalks unless the city can establish that these belongings are actually abandoned or meet other narrow criteria. Unfortunately, the city has interpreted the ruling to require posting a notice 72 hours before it can remove campers' belongings from the sidewalk. This allows squatters to move temporarily and then return. The City Council is now considering shifting to a 24-hour notice period — an improvement — but in fact the Lavan decision requires no notice at all if the items jeopardize public health and safety, which is generally the case with encampments.

In June the 9th Circuit issued its decision in the Desertrain case, effectively voiding the city's ban on lodging in vehicles on the grounds that it was too broad. Until the city amends that ordinance to be narrower, homeless persons — many of whom have vehicles — are free to camp on the curb in front of anyone's home.

Combine these court decisions and settlements with the state's cumbersome standards for involuntary commitment of the mentally ill, and the result is that it is now almost impossible for the police to do anything about the mentally disabled and/or crime-prone homeless until after a physical assault or break-in has occurred. This situation was underscored by last Sunday's struggle between LAPD officers and a homeless man on skid row, which ended in the man's death.



SB 608 would go further and guarantee that the homeless can use all spaces owned or controlled by a governmental entity — including streets, sidewalks, parks, government buildings and even shopping centers — as places to eat and sleep and “protect oneself from the elements.” The bill would also establish an absolute right to camp in a legally parked car or RV.

The city's chronic failure to act against encampments downtown and in Venice already has caused them to pop up elsewhere, including in Hollywood, Highland Park and Boyle Heights. What the city needs now is courage and resolve — not new legal handcuffs from the state Legislature.

In Venice, my neighbors and I have pleaded with the city to resume enforcing its law against camping in the Venice Beach Recreation Area — which, as a public park, is not governed by the Jones settlement. In addition, we have asked the city to create the 1,250 units of permanent supportive housing that the settlement requires, so that it can resume enforcing its ban on lying, sitting or sleeping on public rights-of-way at all times of day.

Once the city regains the ability to remove campers from its sidewalks and other rights of way, it should implement a program that pairs LAPD officers with social workers to respond to resident complaints. Campers would be offered three options: take transportation to a shelter bed, depart the area or be cited for violating the camping ban. This would give residents relief from the noxious effects of encampments next to their homes, and offer help to those who want to leave the street. In the meantime, the Legislature should not give in to activists' demands to further restrain cities with a Right to Rest law. Instead, legislators should focus on overhauling our dysfunctional mental health laws and make it easier for the police and mental health professionals to commit people who act out in public to psychiatric evaluation, before they do harm or are harmed themselves.

Otherwise the police will remain shackled and vulnerable residents will watch their quality of life deteriorate even further.

Mark Ryavec is president of the nonprofit Venice Stakeholders Assn.

From: Kerry Morrison [mailto:Kerry@hollywoodbid.org]

Sent: Tuesday, March 24, 2015 4:08 PM

To: John Caner; Kraig Kojian; Michael Ault (mault@downtownsac.org); Scott Knies; Lauren Schlau; John Lambeth (jlambeth@civitasadvisors.com); Karin Flood; Carol Schatz; Steve Be Cotte; Matthew Severson; Rena Leddy; Steve Mulheim; Maggie Campbell; blair@hdlabid.com; Jessica Lall

Cc: Kent Smith; Bahija Hamraz

Subject: RE: SB 608 (Liu) - Right to Rest Act **prep for tomorrow's conf call at 10:30 a.m.**

Hello friends,

For tomorrow's conference call (641-715-3620 #960217), may I recommend this agenda:

Overview of SB 608 and where it stands In legislature (can someone research this?)

Current activities

City of Los Angeles resolution to oppose (attached)

Strategy employed by Western Regional Advocacy Project

i. <http://www.alternet.org/civil-liberties/guess-which-liberal-state-has-500-laws-aimed-oppressing-homeless>

ii. <http://wraphome.org/work/civil-rights-campaign>

Legislative advocacy strategy

Sample letter (attached as rough draft)

iii. How to improve – what are our best arguments?

Outreach to Senator Liu

Mobilization of other BIDs

Other

General discussion – how do we beef-up CDA's ability to monitor and be proactive in public policy?

Next steps

-----Original Appointment-----

From: Kerry Morrison

Sent: Friday, March 20, 2015 3:07 PM

To: Kerry Morrison; John Caner; Kraig Kojian; Michael Ault (mault@downtownsac.org); Scott Knies; Lauren Schlau; John Lambeth (jlambeth@civitasadvisors.com); Karin Flood; Carol Schatz; Steve Be Cotte; Matthew Severson (Matthew@hollywoodbid.org); Rena Leddy; Steve Mulheim; Maggie Campbell; blair@hdlabid.com; Jessica Lall

Cc: Kent Smith; Bahija Hamraz

Subject: SB 608 (Liu) - Right to Rest Act

When: Wednesday, March 25, 2015 10:30 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).

Where: conference call

Call in Number: 641-715-3620

Code: 960217

Please join to discuss strategies to oppose SB << File: SKMBT_C28015031316050.pdf >> 608.

Attaching fyi some documents as background. If there is anyone else you think should be on this call, please advise. << File: AB 5 Judiciary letter Hollywood.pdf >> << File: AB 5 vs SB 608 - Revised (2).docx >> << File: SB 608 - Right to Rest 030615.docx >>